

## **FISCAL NOTE**

TO: Chief Clerk of the Senate  
Chief Clerk of the House

FROM: James A. Davenport, Executive Director

DATE: March 15, 1995

SUBJECT: **SB 1751 - SB 1776**

This bill, if enacted, will change the criminal defense of insanity whereby the defendant has to give notice of intention to raise such defense and establish defense by preponderance of evidence. The bill removes the volitional prong (ability to conform the conduct to the requirements of law) from the insanity defense and changes the burden of proof from the prosecution to the defense of insanity by clear and convincing evidence.

The fiscal impact from enactment of this bill is estimated to be an increase in state expenditures for incarceration for persons found guilty of an offense rather than not guilty by reason of insanity. The number of such persons cannot be reasonably determined but, based upon just a few offenders being found not guilty by reason of insanity, the amount of increase in state expenditures is estimated to be not significant.

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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